

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON APRIL 9, 2008 IN THE MULTI ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

CALL TO ORDER:

Mr. Miller, Chair called the meeting to order and Mr. Seitz, Secretary, established the presence of a quorum.

Present: Robert Miller, Chair
 Walt Haynes, Vice Chair
 William Seitz, Secretary
 Steve Cochran, Member
 Frank Lau, Member
 Steve Howard, Member
 David Moore, Member
 Bryan Rice, Member
 Malvin Wells, Member
 Steven Sandy, Planning Director
 Dari Jenkins, Planning & Zoning Administrator
 Amy Doss, Development Planner
 Meghan Dorsett, Comprehensive Planner
 Brea Hopkins, Zoning Technician

Absent: John Muffo, Board of Supervisors Liaison

PUBLIC ADDRESS:

None

APPROVAL OF AGENDA:

On a motion by Mr. Howard, seconded by Mr. Rice and unanimously carried the agenda was approved as presented.

PUBLIC HEARING:

A request by Knollwood Development, LLC (Agent: Balzer & Associates) for a Comprehensive Plan map amendment to change the policy map designation from Rural to Urban Expansion for a parcel located on the east side of the 500 Block of Cinnabar Road and adjacent to the north side of the Norfolk Southern railroad. The property is further identified as Tax Parcel No. 67-A-160F, (Acct No. 026412), in the Shawsville Magisterial District.

Mr. Miller introduced the request.

Ms. Dorsett reviewed the conditions to amend the comprehensive plan.

Ms. Dorsett reviewed the maps of the property. The property is currently zoned Multi-Family Residential (RM-1), therefore the property should be designated as Urban Expansion. It has been verified the water and sewer can be extended to the property. The Town of Christiansburg will provide services. The by-right development would allow for a much larger density than the current comprehensive plan designation.

Mr. Miller opened the public hearing.

Mr. Steve Semones, Balzer & Associates, stated the developer does not want to develop the property to the current by-right density. The desire is to do a much lower density subdivision. The property would be accessed from Cinnabar. If the comprehensive plan designation is changed a down zoning would most likely be requested and the density would be reduced.

Mr. Rice asked if the developer could do the proposed development under the current zoning and comprehensive plan designations.

Ms. Dorsett stated a rezoning would be required; therefore, it is necessary to amend the comprehensive plan.

Mr. Miller closed the public hearing

Mr. Howard stated this appeared to be an oversight when the comprehensive plan was initially adopted. The change in designation seems reasonable.

Mr. Rice stated the conditions of the property have also changed. Water and sewer is now available to the site.

Mr. Haynes stated it was difficult to foresee the development that was going to occur along this area. This change would make the property usable.

On a motion by Mr. Haynes, second by Mr. Howard, and carried by a 9-0 vote the planning commission recommended approval of a Comprehensive Plan map amendment to change the policy map designation from Rural to Urban Expansion for a parcel located on the east side of the 500 Block of Cinnabar Road and adjacent to the north side of the Norfolk Southern railroad. The property is further identified as Tax Parcel No. 67-A-160F, (Acct No. 026412), in the Shawsville Magisterial District.

A request by Linda S. Caldwell, et al. (Agent: Albright & Bonguard, PLC) for an amendment Village Plan map to change the designation from Village Medium Density Residential to Village Mixed Use for parcel(s) located on the north and south side of the 3500 & the eastern half of the 3600 block of Peppers Ferry Road and the 4000 block of Bradford lane inclusive. The properties are further identified as Tax Parcel Nos. 64-A-82; 64-1-7A; 64-1-7B; 64-A-91; 63-1-4A; 64-A-83;64-A-84; 64-A-89; 64-A-90; 64-A-99; 64-A-100; 64-A-100; 64-A-80; 64-A-81; 064-1-5B, (Acct Nos. 010121, 017123, 021593, 015578, 009039, 010122, 021691, 011645, 000229, 011138, 011139, 011136, 011137, 010109), in the Prices Fork & Riner Magisterial Districts.

Mr. Miller introduced the request.

Ms. Dorsett reviewed the maps of the property. Ms. Caldwell owns the property that is currently used as a car lot. It was necessary to have neighbor participation to allow the connection to an existing designation so several property owners have applied for a comprehensive plan amendment. The desire is to be included as a mixed use area within the village. The proposal to change to mixed use allows for commercial, industrial and residential uses. Due to the state requirement that more land be designated for commercial development this amendment meets the conditions for consideration. The majority of the properties included in the request are zoned Agriculture (A-1).

Mr. Miller opened the public hearing.

Mr. Victor Bonguard, Attorney representing Ms. Caldwell and other members of their community, stated 3 of 4 criteria are being met to approve the comprehensive plan amendment. The hardship for Ms. Caldwell exists because the property has been on the market as a residence; however, has not sold because of the proximity of the right of way. This request would allow additional uses for the property that would comply with the surrounding area. The existing use of a car lot is grandfathered.

There being no further comments, Mr. Miller closed the public hearing.

Mr. Rice noted that the properties included in the request do not lend to residential development.

On a motion by Mr. Seitz, second by Mr. Haynes, and carried by a 9-0 vote the planning commission recommended approval of an amendment to the Belview Village Plan map to change the designation from Village Medium Density Residential to Village Mixed Use for parcel(s) located on the north and south side of the 3500 & the eastern half of the 3600 block of Peppers Ferry Road and the 4000 block of Bradford lane inclusive. The properties are further identified as Tax Parcel Nos. 64-A-82; 64-1-7A; 64-1-7B; 64-A-91; 63-1-4A; 64-A-83;64-A-84; 64-A-89; 64-A-90; 64-A-99; 64-A-100; 64-A-100; 64-A-80; 64-A-81; 064-1-5B, (Acct Nos. 010121, 017123, 021593, 015578, 009039, 010122, 021691, 011645, 000229, 011138, 011139, 011136, 011137, 010109), in the Prices Fork & Riner Magisterial Districts.

OLD BUSINESS:

An Ordinance requested by Rhondy L. Martin and Margene Ward Martin 1997 Trust (Agent: Mathews & Henegar, Inc.) rezoning approximately 18.1325 acres from Agriculture (A-1) to Rural Residential (RR), with possible proffered conditions, to allow maximum density of 12 single family detached lots. The property is located at 1806 Keisters Branch Rd (Rt.718), identified as Tax Parcel No(s). 51-A-51, (Acct. # 018027), in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Rural in the Comprehensive Plan with an allowable density of 0.75 units per acre.

On a motion by Mr. Cochran, second by Mr. Howard the request was removed from the table for discussion.

Ms. Jenkins stated the item was tabled to allow the applicant to address concerns regarding the buffering of the boundary and limiting the number of lots. Additional proffers have been received. She reviewed the proffers and proposed concept plan. The additional information submitted should address the concerns raised at the previous meeting.

Ms. Lynn Reed, Mathews & Henegar, stated Mr. Martin was very acceptable to the requested proffers and limitations.

Mr. Howard noted that it appeared all concerns have been addressed through the proffers submitted.

On a motion by Mr. Howard, seconded by Mr. Moore and carried by a 9-0 vote the planning commission recommended approval of the request by Rhondy L. Martin and Margene Ward Martin 1997 Trust (Agent: Mathews & Henegar, Inc.) to rezone approximately 18.1325 acres from Agriculture (A-1) to Rural Residential (RR), with the following proffered conditions:

1. Total number of lots permitted on the 18.1325 acre tract will not exceed six (6).
2. A thirty (30) ft. natural vegetated buffer will be retained around the perimeter of the property using the existing trees, unless it interferes with easements, drain fields, driveways or sight distances.

An Ordinance requested by Reese Family Limited Partnership rezoning approximately 227.65 acres from Agriculture (A-1) to Rural Residential (RR), with proffered conditions, to permit a maximum allowed density of 67 single family detached units. The property adjoins The Ridges phases 2-7 and is located on the west side of Bradshaw Rd. (Rt. 629), north of New Ridge Rd (Rt. 1052), identified as Tax Parcel No(s) 45-A-80, 45-3-5A, and 32-A-55 (Acct. #s 025398, 034187, and 001477) in the Mt. Tabor Magisterial District (District C). The property currently lies in an area designated as Rural in the Comprehensive Plan with an allowable density of 0.75 units per acre.

On a motion by Mr. Wells, second by Mr. Howard and carried unanimously the planning commission removed the request from the table for discussion.

Ms. Doss stated the request to rezone 224 acres to Rural Residential (RR) was tabled to allow the applicant time to consider the dedication of the open space trail system on the concept plan and a realignment of lots to eliminate the bisection by the AEP power line. She reviewed the proffers that remained unchanged and the plans that had been submitted since the last meeting. She indicated some residents in the area had submitted concerns regarding water, traffic etc. Mr. Mellon, a local well driller, has stated that the well depths should be approximately the same as previously drilled wells in the Ridges.

Mr. Rice noted that the locations of the trails have not been proffered. The trails should be in a common area to prevent people from walking through property owned by others.

Ms. Doss stated the proffers would require that the development be in conformance with the plan submitted. It may not be exact but it would have to be similar.

Mr. Seitz asked if the subdivision would be approved by the Planning Commission.

Mr. Sandy stated it would be approved by the Planning Commission and Board of Supervisors; however, another public hearing would not be held.

Mr. Lau stated a change in zoning should not be made until water availability is confirmed. The comprehensive plan states water should be provided prior to approving a development this size. There is limited ground water and every lot will be served by wells.

Mr. Rice asked if wells have failed in the area.

Ms. Doss stated an adjoining property owner has indicated there were issues with water but that has not been verified.

Mr. Wells noted the area is without fire hydrants. The closest hydrant is 1.5 miles away. Any structure fire would require a tanker truck and/or streams if necessary.

Mr. Seitz asked why a buffer area was not included in the proffered conditions.

Mr. Nicki Mills, Abbot Engineering, stated the tree specifications would limit tree cuttings; therefore, more vegetation space will be preserved then by providing a buffer.

Mr. Mills also discussed Arthur Mellon's letter and noted Mellon had drilled most wells located in the Ridges. The health department would have data if there are failing wells in the subdivision. These wells could fail due to the type of aquifer, drought, etc. and may not be indicative of the area water supply.

Ms. Peggy Smith, adjoining owner, stated her well yields 4 gallons per minute with a small reserve. The well regularly runs out of water. Another neighbor has 1 gallon per minute with a 700 foot deep well. Some of the lots within the subdivision are less than 2 acres. This means there has to be a shared ground water supply. She noted that she had attended a recent PSA meeting regarding the availability of public water in the area. The water stops approximately 2 miles from the subdivision. Mr. Brabham has indicated an interest in extending water across the interstate which could help serve the dwellings in the Ridges.

Mr. Seitz noted that water is a serious issue and causes additional fire concerns.

Mr. Wells discussed the process of getting water to a fire in this area. Tankers are sufficient; however, fire hydrants are always preferable. The trucks can access the development effectively and efficiently.

Mr. Rice noted that the only place fire hydrants are available are areas served by public water. This limits 90% of the county from development. When there are small lots a buffer is necessary. On a 2-4 acre lot it is less important to have a buffer, especially if it is wooded. There is a common area with trails as required by comp plan.

Mr. Wells noted he would like to have seen data on the wells in the subdivision.

Mr. Haynes stated he could not support the request because of the water and septic concerns. These are challenging sites already.

On a motion by Mr. Rice, seconded by Mr. Cochran and unanimously carried the planning commission tabled the rezoning request to allow information regarding the wells and water supply within the area to be obtained. The commission specifically requested information regarding the number of wells that had failed within the Ridges Subdivision, minimum requirements for wells, average water usage of a typical dwelling, existing well depths, and water sustainability.

Hogan's Retreat Major Subdivision - Final Plat Review

Mr. Sandy stated the Hogan's Retreat plat was submitted for final review. The property is located off of Dry Valley Road and was rezoned to Rural Residential (RR) in September 2006. He reviewed the plat as submitted. All conditions of the preliminary plat have been met with the exception that the county attorney has not reviewed and approved the riparian buffer/open space statement. The restrictions stated do not restrict the riparian buffer areas located outside the wetland areas, only those within the wetland areas. The restrictions should address the entire riparian area.

Mr. John Neel, Gay & Neel, noted the house on the property would be left standing. The purchaser of the lot would determine if it remains. In regards to the riparian buffer there is a note that addresses the buffer on the plat. Because the buffer was delineated prior to the wetland designation some areas of the buffer are outside the wetlands and vice versa. The wetlands area has to be monitored and information submitted to the DEQ for 5 years.

On a motion by Mr. Wells, seconded Mr. Howard and carried by a 9-0 vote the Planning Commission recommended approval of the final plat for Hogan's Retreat Major Subdivision.

Kensington, Phase II Major Subdivision - Final Plat Review

Mr. Sandy stated that the final plat for this subdivision has been deemed incomplete and will require resubmission prior to review by the planning commission.

NEW BUSINESS:

Cold Mountain Major Subdivision - Preliminary Plat Review

Mr. Sandy noted that Cold Mountain Subdivision had been previously approved by the planning commission. The plat submitted is for an extension of the road to serve additional lots. The plat shows several lots with frontage along the

proposed extension and a revision of lot 3. There are some outstanding revisions on this plat so a preliminary plat approval could be given, but not a final plat approval. He reviewed the following conditions of the plat:

1. The Virginia Department of Transportation (VDOT) shall review and approve the road construction and drainage plans for the roads.
2. Vacation and/or relocation of existing dedicated right of way of Cold Mountain Road and dedicated easements shall be vacated according to requirements of Section 15.2-2272 of Code of Virginia.
3. The Virginia Department of Health shall review and approve private septic systems to be located each of the lots that they serve
4. The County Engineer shall review and approve the erosion & sediment control plans.
5. If there are storm water detention facilities, then the County Attorney shall review and approve the Homeowner's Association Bylaws for maintenance and liability.
6. All remaining items on the attached Subdivision Application Report shall be addressed.

Mr. John Neel stated the right of way will be left as is and additional right of way would be dedicated on the plat. The lots were developed after the right of way was in place. VDOT approved the extension and the County Engineer has approved the erosion and sediment control plan. The only thing left to address is approval from the Health Department. The owner is planning on placing his house on the remaining 70 acres.

On a motion by Mr. Rice , seconded by Mr. Howard and unanimously carried the planning commission approved the Cold Mountain Major Subdivision Preliminary Plat subject to the following conditions:

1. The Virginia Department of Transportation (VDOT) shall review and approve the road construction and drainage plans for the roads.
2. Vacation and/or relocation of existing dedicated right of way of Cold Mountain Road and dedicated easements shall be vacated according to requirements of Section 15.2-2272 of Code of Virginia.
3. The Virginia Department of Health shall review and approve private septic systems to be located each of the lots that they serve
4. The County Engineer shall review and approve the erosion & sediment control plans.
5. If there are storm water detention facilities, then the County Attorney shall review and approve the Homeowner's Association Bylaws for maintenance and liability.
6. All remaining items on the attached Subdivision Application Report shall be addressed.

HS Tejas Subdivision - Review of Private Road

Mr. Sandy stated the planning commission had previously discussed the Tejas property and the proposed use of a private access easement. The Board of Supervisors suggested an alternative route be provided. The engineer has looked at developing an additional access and pull over areas. The developers are still requesting private roads to serve the development.

Mr. John Neel, Gay & Neel reviewed the history of the property and the request to utilize private roads for a subdivision. A sketch of the property has been provided. There are no subdivision plans at this time. HS Tejas markets the land and the prospective owner determines the acreage and the location of the property they wish to purchase. There will not be a predetermined number of lots. The Board of Supervisors has requested an emergency access to Gray Fox Lane at Dixie Caverns along with upgrades to the existing road. Improvements have been made to the existing road and to Gray Fox Lane. He reviewed additional restrictions that would be placed on the subdivision including additional setbacks, tree clearing, and placing a limit of 45 lots on Montgomery County portion of property. A note will be placed on the survey plat regarding the private easement.

Mr. Seitz stated there were many concerns at the initial site visit regarding the all weather surface, minimum width of the road, the grade for fire vehicles, safety railings at the steep slopes, etc.

Mr. Neel stated that the minimum width has not been measured. The improved road is very well maintained. The road could be graded to go toward the ditch line as an alternative to the safety railing.

Mr. Haynes stated addressing the curvature, grade etc. would help. It would be hard to require guard rails since many areas of the state road do not have railing installed.

Mr. Lau stated that due to the length of the road areas to turn around or pull offs should be provided.

Mr. Neel stated that a wider area would be provided every 1000 ft. for a pull off area.

Mr. Rice asked if the all weather surface would be asphalt or gravel

Mr. Neel stated it would be gravel because it is more easily maintainable. The property will be more of a retreat property versus people living there year round.

Mr. Ron Pauly, HS Tejas, stated the average lot size of other developments is 20 acres. This property will sell because of the elevations, views, etc.

Mr. Haynes noted he would like to see the site again since the improvements to the road have been made.

Mr. Sandy stated the site visit schedule on April 23rd could be adjusted so that the Planning Commission could re-visit the site.

On a motion by Mr. Seitz, seconded by Mr. Cochran and unanimously carried the planning commission tabled the HS Tejas request for a private road serving a subdivision to allow the opportunity for an additional site visit.

Mr. Sandy reported that Ms. Meghan Dorsett has submitted her resignation effective June 30, 2008.

There being no further business, the meeting was adjourned.